

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO.37 OF 2007
IN
SUIT NO.1993 OF 1999**

Dharmesh Bhanabhai ...Plaintiff
Vs.
M/s.Top Syringe Manufacturing Co. & Ors. ...Defendants

Mr.U.N.Thakore for Plaintiff
Mr.Vinod Singh for Defendants

**CORAM: SMT. ROSHAN DALVI, J.
DATED: 9TH MARCH, 2007**

P.C.

1. The Suit property, under the decree which has come to be attached and in possession of the Court Receiver, is 20 acres of agricultural land. The suit property was put up for auction. There were two offers – one of Rs.10 Lakhs and the other of Rs.12.50 Lakhs. The highest bidder deposited Pay Orders to the extent of 25% of the purchase price with the Court Receiver. Upon that being done, the provisions of Order 21 Rule 84 of the CPC came to be complied. It is for the Court to confirm or not/ confirm the sale in favour of the highest bidder.

2. The Pay Order given by the highest bidder of 25% of the purchase price inadvertently remained with the Court Receiver and were not credited as required. That is not the fault of the bidder. The bidder has made payment as required under Law. No further bids were made.
3. The Advocate for the Decree Holder states that the payment was made in August, 2004, price of the lands have risen thereafter. Hence, afresh bids be invited. Continuously inviting fresh bids without any fault on the part of the highest bidder is an abuse of Court process. Each Court process must come to a legitimate end. The process in this case ends with the highest offerer depositing the requisite amount. Neither the Advocate for the Decree Holder nor the highest offerer made any applications for any reliefs from August, 2004. There is no case for any further bids. The bid of the highest bidder is accepted as he has complied with the procedure under Law. He shall make payment of the further amount. He offers the further amount constituting the entire balance amount payable by him by a Pay Order of AVN AMRO Bank of Rs.1,40,000/- , Rs.9,45,000/- and Rs.1,50,000/- . The Pay Orders are accepted. The Court Receiver shall return the earlier Pay Orders, which have now lapsed, to the highest bidder.

4. The Report is closed with this order.

(SMT.ROSHAN DALVI, J.)